

Notice of Allowability

Application No.

10/798,158

Applicant(s)

TSUBOUCHI, KOZO

Examiner

Art Unit

Robert B. Mondesi

1653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication filed September 6, 2005.
2. ☒ The allowed claim(s) is/are 1-8.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Priority

The current application filed on March 11, 2004 claims priority to foreign application, JAPAN 2003-71035 filed on March 14, 2003. A certified copy of foreign document JAPAN 2003-71035 has been provided.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Terryence F. Chapman on November 15, 2005.

The application has been amended as follows:

Please can cancel non-elected **claims 9 and 10**.

Claim 1 (Presently amended) A method for producing functional polypeptide compositions originating from silk protein having an average molecular weight not lower than 10,000 and not higher than 200,000 and being excellent for cell growth-promoting activity [,] and extensibility ~~and the like~~, comprising:

solubilizing a raw silk protein material from the domesticated silkworm or *Antheraea yamamai* in an aqueous solution of neutral salt, said raw silk protein material having an average molecular weight larger than 200,000 and at least

Art Unit: 1653

a part or the whole of the H-chain and L-chain of silk fibroin and sericin a left undegraded in the case of the raw silk protein material from the domesticated silkworm; subsequently treating subsequently the solution with a peptide bond-cleaving agent; and cleaving peptide bonds between specific amino acid residues of silk protein.

Claim 8 (Presently amended) The method for producing functional polypeptide compositions according to claim 1, wherein the functional polypeptide compositions originating from silk protein having an average molecular weight not lower than 10,000 and not higher than 200,000 and being excellent for cell growth-promoting activity [,] and extensibility ~~and the like~~ are in an aqueous solution form.

Please add the following new section after paragraph [0027]:

BRIEF DESCRIPRION OF THE DRAWINGS

[0027. 1] Figure 1 is an electrophoretogram showing the results of the electrophoresis of Tert samples 2, 3, and 4; and

[0027.2] Figure 2 is an electrophoretogram showing the results of the electrophoresis of Tert samples 7, 8 and 9.

Reasons for allowance

The following is an examiner's statement of reasons for allowance:

The method of present application is a method of producing functional polypeptide compositions originating from silk protein having an average molecular weight not lower than 10,000 and not higher than 200,000 and being excellent for cell growth-promoting activity and extensibility, comprising:

Art Unit: 1653

solubilizing a raw silk protein material from the domesticated silkworm or *Antheraea yamamai* in an aqueous solution of neutral salt, said raw silk protein material having an average molecular weight larger than 200,000 and at least a part or the whole of the H-chain and L-chain of silk fibroin and sericin a left undegraded in the case of the raw silk protein material from the domesticated silkworm; subsequently treating the solution with a peptide bond-cleaving agent; and cleaving peptide bonds between specific amino acid residues of silk protein. Even though the prior art teaches polypeptide compositions originating from silk protein containing silk fibroin or sericin, it does not teach a method of producing functional polypeptide compositions originating from silk protein having an average molecular weight not lower than 10,000 and not higher than 200,000 and being excellent for cell growth-promoting activity and extensibility, comprising the method steps mentioned above; therefore method of producing functional polypeptides compositions disclosed in **claims 1-8** of the present application is not anticipated or rendered obvious by the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Mondesi whose telephone number is 571-272-0956. The examiner can normally be reached on 9am-5pm, Monday-Friday.

Art Unit: 1653

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon Weber can be reached on 571-272-0925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert B. Mondesi


11-21-05
ROBERT A. WAX
PRIMARY EXAMINER